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Yasuhiro Toguri

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/879,353	<b>Applicant(s)</b> TOGURI, YASUHIRO	
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/08 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-16, 19-22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Aras in view of Yuen in view of Rosser.

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Referring to claim 1, Goldman discloses an information processing apparatus for delivering contents data via a network to another apparatus (figure 1; column 4, lines 45-57) the information processing apparatus comprising:

first registration means for registering general additional information regarding said contents data (figure 3B, part 170; column 9, lines 7-26),

said general additional information comprising at least one of time or date of filming a video scene of said contents data, an explanation of a scene, title to background music, contents ID, general purpose additional information ID, part covered by additional information, name covered by additional information, segment number, scene number, object number, and additional information classification (column 9, lines 7-26);

second registration means for registering individual additional information of said contents data on the basis of at least said contents data (figure 3B, part 154'; column 8, lines 6-19),

wherein said individual additional information comprises overall individual additional information which is associated with the contents data as a whole (column 8, lines 6-19);

storage means for storing said general additional information registered by said first registration means and said individual additional information registered by said second registration means (figure 3B, parts 154' and 170);

extraction means for extracting said general additional information and said individual additional information stored in said storage means if a delivery request for contents data is received from the other apparatus (column 7, lines 49-63),

wherein said extraction means is configured to extract said individual additional information on the basis of user information comprising at least one of user usage status and user usage classification (column 7, lines 49-63; column 8, lines 6-19);

generation means for generating individual data to be transmitted to said other apparatus from said general additional information and said individual additional information extracted by said extraction means (column 7, lines 49-63); and

transmission means for transmitting said contents data via said network to said other apparatus, to enable said contents data (figure 3B),

wherein said transmission means is configured to deliver said contents data together with said individual data in response to a request generated by said other apparatus (column 4, lines 45-57).

Goldman does not disclose an apparatus wherein said individual additional information comprises segment individual additional information which is different from said overall individual additional information and is associated with one of a plurality of segments of the contents data, and scene individual additional information which is different from said overall individual additional information and is different from said segment individual additional information and is associated with one of a plurality of scenes in the one of the plurality of segments of the video contents data; and

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transmission means for transmitting said contents data and said individual data via said network to said other apparatus, said general additional information and said individual additional information to be simultaneously displayed on a display screen at said other apparatus; and

wherein the contents data includes video contents data.

In an analogous art, Aras teaches an apparatus wherein said individual additional information (figure 2; column 9, line 17 to column 10, line 8) comprises segment individual additional information which is different from said overall individual additional information and is associated with one of a plurality of segments of the contents data (column 11, Table V), and scene individual additional information which is different from said overall individual additional information and is different from said segment individual additional information and is associated with one of a plurality of scenes in the one of the plurality of segments of the video contents data (column 11, Table VII).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the segment and scene detail to the user profiling taught by Aras to the apparatus disclosed by Goldman. The motivation would have been to enable the system to provide a finer granularity and therefore more detail on what the user was watching, which would provide for more accurate commercial insertions.

Goldman and Aras do not disclose an apparatus with transmission means for transmitting said contents data and said individual data via said network to said other apparatus, said general additional information and said individual additional information to be simultaneously displayed on a display screen at said other apparatus.

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In an analogous art, Yuen teaches an apparatus with transmission means for transmitting said contents data and said individual data via said network to said other apparatus, said general additional information and said individual additional information to be simultaneously displayed on a display screen at said other apparatus (figure 2, 5 and 10).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the displaying of the user ID of the subscriber on the screen along with the commercial data as taught by Yuen in the apparatus disclosed by Goldman and Aras. The motivation would have been to enable the subscriber, if living in a house with multiple subscribers, to be assured that the advertisement is meant for him/her.

Goldman, Aras, and Yuen do not disclose an apparatus wherein the contents data includes video contents data.

In an analogous art, Rosser teaches an apparatus wherein the contents data includes video contents data (column 7, lines 38-58; column 11, lines 27-30 and 40-61).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the video content taught by Rosser to the apparatus disclosed by Goldman, Aras and Yuen. The motivation would have been to substitute the webpage request taught by Goldman with the video request taught by Rosser (column 11, lines 40-61).

Claims 6, 7, 8, and 16 are rejected on the same grounds as claim 1.

Referring to claim 9, Goldman and Aras do not disclose an apparatus as defined in claim 1, wherein said general additional information includes at least an object number representing an object appearing within said contents data.

In an analogous art, Yuen teaches an apparatus as defined in claim 1, wherein said general additional information includes at least an object number representing an object appearing within said contents data (figures 5 and 10).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add a number id as taught by Yuen to the apparatus disclosed by Goldman and Aras. The motivation would have been to enable quicker indexing that would allow for better system performance.

Referring to claim 10, Goldman discloses an information processing method as defined in claim 6 wherein said additional information and said individual additional information are each registered for each segment, scene or object appearing within said contents data (column 9, lines 20-26; Note: each advertisement being selected separately is interpreted as being equivalent to the information being registered spilt per object appearing within said contents data).

Claims 12 and 14 are rejected on the same grounds as claim 10.

Referring to claim 11, Goldman discloses an information processing method as defined in claim 10 wherein said individual additional information is registered for each object within said contents data (column 9, lines 20-26).



Claims 13 and 15 are rejected on the same grounds as claim 11.

Referring to claim 19, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said explanation of a scene (column 8, lines 46-55; Note: the advertisement selection criteria is interpreted as being equivalent to a scene explanation as it would give an explanation of which profile would be interested in that advertisement).

Referring to claim 20, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said general purpose additional information ID (column 8, lines 46-55).

Referring to claim 21, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said part covered by additional information (column 8, lines 46-55).

Referring to claim 22, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said name covered by additional information (column 8, lines 46-55).

Referring to claim 25, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said additional information classification (column 8, lines 46-55).

Claims 2, 5, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman, Aras, Yuen and Rosser as applied to the claims above, and further in view of Khoo.

Referring to claim 2, Goldman, Aras, Yuen and Rosser do not disclose an information processing apparatus as defined in claim 1, further comprising: recording means for recording charging information on the basis of said individual data generated by said generation means.

In an analogous art, Khoo teaches an information processing apparatus as defined in claim 1, further comprising: recording means for recording charging information on the basis of said individual data generated by said generation means (column 13, lines 20-25; figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the commercial avoidance charge taught by Khoo to the system disclosed by Goldman, Aras, Yuen and Rosser. The motivation would have been to enable customers to skip commercials without the content provider losing out on revenue.

Claim 17 is rejected on the same grounds as claims 1 and 2.

Referring to claim 5, Goldman, Aras, Yuen and Rosser do not disclose an information processing apparatus as defined in claim 17, wherein said updating charging information updates charges to at least an end user for use of said contents data and/or individual metadata on the basis of said generated individual metadata.

In an analogous art, Khoo teaches an information processing apparatus as defined in claim 17, wherein said updating charging information updates charges to at least an end user for use of said contents data and/or individual metadata on the basis of said generated individual metadata (column 13, lines 20-25; figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the commercial avoidance charge taught by Khoo to the system disclosed by Goldman, Aras, Yuen and Rosser. The motivation would have been to enable customers to skip commercials without the content provider losing out on revenue.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman, Aras, Yuen and Rosser as applied to claim 1 above, and further in view of Herz.

Referring to claim 18, Goldman, Aras, Yuen and Rosser do not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises the time or date of filming a video scene of said contents data.

In an analogous art, Herz teaches an information processing apparatus as defined in Claim 1, wherein said general additional information comprises the time or date of filming a video scene of said contents data (column 10, lines 32-36).

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At the time of the invention it would have been obvious for one of ordinary skill in the art to add the filming date taught by Herz to the system disclosed by Goldman, Aras, Yuen and Rosser. The motivation would have been that advertisements that have the same corresponding dates as requested content would be more likely to interest the user.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman, Aras, Yuen and Rosser as applied to claim 1 above, and further in view of Campbell.

Referring to claim 23, Goldman, Aras, Yuen and Rosser do not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said segment number.

In an analogous art, Campbell teaches an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said segment number (column 13, lines 64-68).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the segment number taught by Campbell to the system disclosed by Goldman, Aras, Yuen and Rosser. The motivation would have been to enable the indexing of the content to be quicker to search and sort.

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Referring to claim 24, Goldman, Aras, Yuen and Rosser do not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said object number.

In an analogous art, Campbell teaches an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said object number (column 13, lines 64-68).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the object number taught by Campbell to the system disclosed by Goldman, Aras, Yuen and Rosser. The motivation would have been to enable the indexing of the content to be quicker to search and sort.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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JS